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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
2008 MAY -1 AM 11:40

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose Antonio GARCIA-Garcia,

Defendant

) Magistrate Docket No.

) '08 MJ 1374

) COMPLAINT FOR VIOLATION OF:

) Title 8, U.S.C., Section 1326

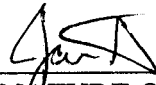
) Deported Alien Found in the

) United States

The undersigned complainant, being duly sworn, states:

On or about **April 30, 2008** within the Southern District of California, defendant, **Jose Antonio GARCIA-Garcia**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 1st DAY OF May, 2008



Nita L. Stormes
UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:****Jose Antonio GARCIA-Garcia****PROBABLE CAUSE STATEMENT**

On April 30, 2008, at approximately 7:10 A.M., a Remote Video Surveillance System operator advised Border Patrol Agent L. S. Dithrich via service radio of an individual running north from an area commonly known as "625 Camera Pole." This area is approximately 4.5 miles east of the San Ysidro, California, Port of Entry and 100 yards north of the United States/Mexico international boundary.

Agent Dithrich, responded to the area and found one individual hiding. in some brush in an attempt to conceal himself. Agent Dithrich identified himself as a Border Patrol Agent and conducted an immigration inspection. The subject, later identified as **Jose Antonio GARCIA-Garcia**, admitted to being a citizen and national of Mexico without any documents that would allow him to legally enter or remain in the United States legally. The defendant was placed under arrest transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on **February 11, 2008 through Nogales, Arizona**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights. He stated he understood and was willing to answer questions without an attorney present. The defendant admitted that he was a citizen and national of Mexico not in possession of documents enabling/permitting him to enter and/or remain in the United States legally. He further stated that he had not requested permission from the Attorney General to re-enter the United States. He stated his intended destination was Vista, California.